

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HENOCH ZAKS,

Plaintiff,

-against-

RABBI MAYER ZAKS, JOHN DOES #1-10  
and JANE DOES #1-10,

Defendants.  
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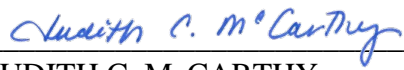
**ORDER**

21 Civ. 01771 (CS)(JCM)

Defendant Mayer Zaks has requested that his deposition be postponed *sine die*, (Docket No. 92). Plaintiff Henoch Zaks has opposed this requested adjournment, (Docket No. 93). Upon careful consideration, the Court denies Defendant Mayer Zaks' request to adjourn his December 30, 2021 deposition. A review of the submissions indicates that there has been no apparent change in Defendant Mayer Zaks' medical condition since his August 2021 diagnosis, and the required procedures have been delayed until an unscheduled date in early 2022. Moreover, less than a month ago, on December 2, 2021, Defendant Mayer Zaks testified at an emotionally charged evidentiary hearing in a bankruptcy proceeding before Judge Drain. Thus, the Court finds that since Defendant Mayer Zaks could testify at an emotionally charged evidentiary hearing while afflicted with the same condition, he can participate in a remote deposition on December 30, 2021. Counsel are cautioned to be cordial and professional, and to take into consideration Defendant Mayer Zaks' medical condition when questioning him.

Dated: December 29, 2021  
White Plains, New York

**SO ORDERED:**

  
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JUDITH C. McCARTHY  
United States Magistrate Judge